

REMARKS

This is a full and timely response to the non-final Office Action mailed by the U.S. Patent and Trademark Office on April 17, 2008. Upon entry of the attached amendments, claims 1-12, 15, 18-21, 24, 25 and 28-31 are pending in the application. Claims 13, 14, 16, 17, 22, 23, 26 and 27 are cancelled. Claims 1, 3, 4, 9-11, 18, 24 and 30 are amended. Support for the amendments to claims 1, 3, 4, 9-11, 18, 24 and 30 can be found in FIG. 4 and the related detailed description. Consequently, no new matter is added to the present application.

The following remarks address each rejection. Accordingly, reconsideration and allowance of the application and presently pending claims 1-12, 15, 18-21, 24, 25 and 28-31 are respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1-5, 9, 10, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,396,345 to Dolman *et al.* (hereafter *Dolman*) in view of U.S. Patent No. 7,123,897 to Gorcea *et al.* (hereafter *Gorcea*).

Claims 24-28 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,485,358 to Andren *et al.* (hereafter *Andren*) and *Dolman* in view of *Gorcea*.

Claims 6-8, 11-17 and 20-23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Dolman* and *Gorcea* in view of U.S. Patent No. 5,912,926 to Koenck *et al.* (hereafter *Koenck*).

Claims 29-31 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Dolman*, *Gorcea* and *Andren* in view of *Koenck*.

For a claim to be properly rejected under 35 U.S.C. § 103, “[t]he PTO has the burden under section 103 to establish a *prima facie* case of obviousness. In order to make a proper *prima facie* case of obviousness; the Office action should set forth:

(A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,

(B) the difference or differences in the claim over the applied reference(s),

(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation as to why the claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made.

“To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

Accordingly, the prior art references, when combined, must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure.

Applicants' independent claims 1, 9, 18 and 24, as amended, each include elements and features that are not disclosed, taught or suggested by the proposed combination of *Dolman* and *Gorcea*.

Claims 1-5

Without conceding the propriety of the asserted combination or whether one of ordinary skill would have been motivated to make the asserted combination for the alleged reasons, Applicants respectfully submit that the asserted combination does not disclose, teach or suggest Applicants' claimed filter arrangement.

Applicants' claim 1, as amended, is directed to a system for generating amplitude matched, phase shifted signals. The system comprises “a scaler configured to receive the first and second inputs and attenuate the amplitude of each of the same to generate a scaler output that is substantially equal in magnitude to the adder output,” among other features.

The proposed combination does not disclose, teach or suggest “a scaler configured to receive the first and second inputs and attenuate the amplitude of each of the same to generate a scaler output that is substantially equal in magnitude to the adder output.” Both *Dolman* and *Gorcea* are entirely silent regarding a scaler configured to receive the first and second inputs and attenuate the amplitude of each of the same to generate a scaler output that is substantially equal in magnitude to the adder output.

Thus, the proposed combination fails to disclose, teach, or suggest all elements of Applicants' claimed system. Accordingly, for at least this reason, the proposed combination

fails to establish a *prima facie* case of obviousness of Applicants' claimed system and the rejection of claim 1 under 35 U.S.C. § 103(a) should be withdrawn.

Applicants respectfully submit that dependent claims 2-5, which depend directly or indirectly from allowable independent claim 1, are allowable for at least the reason that they depend from allowable independent claims. *In re Fine*, 837 F.2d 1071, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1998).

Claims 9 and 10

Without conceding the propriety of the asserted combination or whether one of ordinary skill would have been motivated to make the asserted combination for the alleged reasons, Applicants respectfully submit that the asserted combination does not disclose, teach or suggest Applicants' claimed method.

Applicants' claim 9, as amended, is directed to a method for generating amplitude matched, phase shifted signals. The method comprises the step of "applying each vector to an adder element and to a scaler, wherein an output of the adder element is substantially equal in amplitude to an output of the scaler."

The proposed combination of *Dolman* and *Gorcea* does not disclose, teach or suggest Applicants' claimed method, which comprises the step of "applying each vector to an adder element and to a scaler, wherein an output of the adder element is substantially equal in amplitude to an output of the scaler," among other steps. The proposed combination is entirely silent regarding the step of applying each vector to an adder element and to a scaler, wherein an output of the adder element is substantially equal in amplitude to an output of the scaler.

Thus, the proposed combination fails to disclose, teach, or suggest each step of Applicants' claimed method. Accordingly, for at least this reason, the proposed combination fails to establish a *prima facie* case of obviousness of Applicants' claimed method and the rejection of claim 9 under 35 U.S.C. § 103(a) should be withdrawn.

Applicants respectfully submit that dependent claim 10, which depends directly from allowable independent claim 9, is allowable for at least the reason that claim 10 depends from allowable independent claim 9. *In re Fine, supra*.

Claims 18 and 19

Without conceding the propriety of the asserted combination or whether one of ordinary skill would have been motivated to make the asserted combination for the alleged reasons, Applicants respectfully submit that the asserted combination does not disclose, teach or suggest Applicants' claimed system.

Applicants' claim 18, as amended, is directed to a system for generating amplitude matched, phase shifted signals. The system comprises "means for applying each vector to a scaler, wherein an output of the adder element is substantially equal in amplitude to an output of the scaler."

The proposed combination of *Dolman* and *Gorcea* does not disclose, teach or suggest Applicants' claimed system, which comprises "means for applying each vector to a scaler, wherein an output of the adder element is substantially equal in amplitude to an output of the scaler," among other elements. The proposed combination is entirely silent regarding means for applying each vector to a scaler, wherein an output of the adder element is substantially equal in amplitude to an output of the scaler.

Thus, the proposed combination fails to disclose, teach, or suggest all elements of Applicants' claimed system. Accordingly, for at least this reason, the proposed combination fails to establish a *prima facie* case of obviousness of Applicants' claimed system and the rejection of claim 18 under 35 U.S.C. § 103(a) should be withdrawn.

Applicants respectfully submit that dependent claim 19, which depends directly from allowable independent claim 18, is allowable for at least the reason that claim 19 depends from an allowable independent claim. *In re Fine, supra*.

Claims 24-28

Applicants have canceled claims 26 and 27. Accordingly, the rejection of claims 26 and 27 is rendered moot.

Without conceding the propriety of the asserted combination or whether one of ordinary skill would have been motivated to make the asserted combination for the alleged reasons, Applicants respectfully submit that the asserted combination does not disclose, teach or suggest at least Applicants' claimed system.

Applicants' claim 24, as amended, is directed to a system for generating amplitude matched, phase shifted signals in a portable transceiver. The system comprises "a scaler

configured to receive the signals present on the first and second output nodes and attenuate the amplitude of each of the same to generate a scaler output that is substantially equal in magnitude to the adder output.”

The proposed combination of *Andren*, *Dolman* and *Gorcea* does not disclose, teach or suggest Applicants’ claimed system, which comprises “a scaler configured to receive the signals present on the first and second output nodes and attenuate the amplitude of each of the same to generate a scaler output that is substantially equal in magnitude to the adder output,” among other elements. Both *Dolman* and *Gorcea* are entirely silent regarding a scaler configured to receive the signals present on the first and second output nodes and attenuate the amplitude of each of the same to generate a scaler output that is substantially equal in magnitude to the adder output. *Andren* is cited for its alleged disclosure of various features of claims 24-28 other than the aforementioned features. Applicants respectfully submit that *Andren* does not add anything to the combination of *Dolman* and *Gorcea* that would remedy the aforementioned deficiencies.

Accordingly, the proposed combination fails to establish a *prima facie* case of obviousness for at least the reason that the combined teachings of *Andren*, *Dolman* and *Gorcea* do not teach all features of independent claim 24.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 24 under 35 U.S.C. § 103 are respectfully requested.

Further, Applicants respectfully submit that dependent claims 25 and 28, which depend directly from allowable independent claim 24, are allowable for at least the reason that the claims depend from an allowable independent claim. *In re Fine, supra*.

Claims 6-8, 11-17 and 20-23

Applicants have canceled claims 16, 17, 22 and 23. Accordingly, the rejection of claims 16, 17, 22 and 23 is rendered moot.

Without conceding the propriety of the asserted combination or whether one of ordinary skill would have been motivated to make the asserted combination for the alleged reasons, Applicants respectfully submit that the asserted combination does not disclose, teach or suggest the subject matter of Applicants’ amended independent claims 1, 9 and 18.

As shown above, Applicants’ independent claims 1, 9 and 18, as amended, each include elements that are not disclosed, taught or suggested by the combination of *Dolman*

and *Gorcea*. *Koenck* is cited for its alleged disclosure of various features of claims 6-8, 11-17 and 20-23 other than the aforementioned features missing from *Dolman* and *Gorcea*. Applicants respectfully submit that *Koenck* does not add anything to the combination of *Dolman* and *Gorcea* that would remedy the aforementioned deficiencies.

Thus, the proposed combination of *Dolman*, *Gorcea* and *Koenck* does not disclose, teach or suggest Applicants' claimed systems and methods. Accordingly, the proposed combination fails to establish a *prima facie* case of obviousness for at least the reason that the combined teachings of *Dolman*, *Gorcea* and *Koenck* do not teach all features of dependent claims 6-8, which depend from independent claim 1, dependent claims 11-15, which depend from independent claim 9, and dependent claims 20 and 21, which depend from claim 18.

Accordingly, favorable reconsideration and withdrawal of the rejection of dependent claims 6-8, 11-15, 20 and 21 under 35 U.S.C. § 103 are respectfully requested.

Claims 29-31

Without conceding the propriety of the asserted combination or whether one of ordinary skill would have been motivated to make the asserted combination for the alleged reasons, Applicants respectfully submit that the asserted combination does not disclose, teach or suggest all elements of Applicants' amended independent claim 24, from which dependent claims 29-31 depend.

As shown above, Applicants' independent claim 24, as amended, includes elements that are not disclosed, taught or suggested by the combination of *Dolman* and *Gorcea*. *Koenck* and *Andren* are cited for their alleged disclosure of various features of claims 29-31 other than the aforementioned features missing from the combination of *Dolman* and *Gorcea*. Applicants respectfully submit that *Koenck* and *Andren* do not add anything to the disclosure of *Dolman* and *Gorcea* that would remedy the aforementioned deficiencies.

Thus, the proposed combination of *Dolman*, *Gorcea*, *Andren* and *Koenck* does not disclose, teach or suggest Applicants' claimed system. Accordingly, the proposed combination fails to establish a *prima facie* case of obviousness for at least the reason that the combined teachings of *Dolman*, *Gorcea*, *Andren* and *Koenck* do not teach all features of dependent claims 29-31, which depend from independent claim 24.

Accordingly, favorable reconsideration and withdrawal of the rejection of dependent claims 29-31 under 35 U.S.C. § 103 are respectfully requested.

CONCLUSION

In summary, Applicants respectfully submit that presently pending claims 1-12, 15, 18-21, 24, 25, and 28-31 are allowable and the present application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully solicited. Should the Examiner have any comments regarding the Applicants' response or intends to dispose of this matter in a manner other than a Notice of Allowance, Applicants request that the Examiner telephone Applicants' undersigned attorney.

Respectfully submitted,

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